Amendments To The Claims

This listing of claims will replace all prior versions and listing of claims in this application:

1.-81. (cancelled)

82. (currently amended) A method for treating a patient comprising: (a) providing a delivery device comprising a ~~non-linear shaped~~ body member having a helical or zig-zag shape ~~at least two deviations from a linear path~~ and a cap member that abuts an incision through which the device is inserted to stabilize the device once implanted; and (b) inserting into a patient ear the device, whereby the device is inserted into the ear through an incision until the cap member abuts the incision, and wherein the cap member remains outside the incision and the body member resides in the patient ear and a therapeutic substance is administered to the patient via the body member.

83. (previously presented) The method of claim 82 wherein the device body member comprises at least three deviations from a linear path.

84. (previously presented) The method of claim 82 wherein the device body member comprises at least four deviations from a linear path.

85.(previously presented) The method of claim 82 wherein the device body member comprises at least five deviations from a linear path.

86. (previously presented) The method of claim 82 wherein the device body member comprises a helical shape.

87. (currently amended) The method of claim 82 wherein the device body member comprises a substantially zig-zag ~~Z~~ shape.

88. (previously presented) The method of claim 82 wherein the device body member comprises a polymer.

89. (previously presented) The method of claim 82 wherein the device body member comprises a polymer that comprises a therapeutic substance to be delivered to the patient.

90. (previously presented) The method of claim 82 wherein the device comprises a shape memory material.

91. (currently amended) The method of claim 82 wherein the device has a length of ~~is~~ about 1.5 cm or less.

92-102. (cancelled)

103. (previously presented) A method for treating a patient comprising:

(a) providing a delivery device comprising a therapeutic substance and a coil-shaped body member having at least two deviations from a linear path and a cap member that abuts an incision through which the device is inserted to stabilize the device once implanted; and

(b) inserting the device through an incision in a patient ear by twisting or screwing the coil-shaped body member in through the incision until the cap member abuts the outside of the incision, whereby the body member resides in the patient ear and the therapeutic substance is administered to the patient via the body member.

104. (previously presented) The method of claim 82 or 103 wherein the substance delivered to the patient ear is chosen from one or more of an antibiotic, an antifungal, an antiviral, an antibacterial, an antiallergenic, an anti-inflammatory, a decongestant, a miotic or anti-cholinesterase, a mydriatic, a sympathomimetic, an antineoplastic, a hormonal agent, a beta adrenergic blocker, a growth factor, a carbonic anhydrase inhibitor, an angiogenesis inhibitor, a prostaglandin or an antiprostaglandin.

105. (previously presented) The method of claim 82 wherein the device is inserted by twisting or screwing the device into the ear through the incision.

106. (currently amended) The method of claim 82 or 103 wherein the cap member ~~element~~ mates the body member at a proximal end of the device.

107. (previously presented) The method of claim 82 or 103 wherein the body member has a cross-sectional diameter approximately equal to that of an incision through which the device is inserted.

108. (previously presented) The device of claim 82 or 103 wherein at least a portion of the body member comprises a biodegradable polymer.

109. (currently amended) The device of claim 108 wherein the biodegradable polymer contains microparticles of the therapeutic ~~drug~~ substance, wherein as the polymer degrades, the therapeutic ~~drug~~ substance is released.

110. (previously presented) The device of claim 108 wherein the biodegradable polymer is selected from polyesters of molecular weight of 4,000 to 100,000, homopolymers and copolymers of polylactic acid and polyglycolic acid, polycaprolactone, homopolymers and copolymers of polyanhydrides, homopolymers and copolymers of dicarboxylic acids, polymeric fatty acid dimer compounds, poly(alky-2-cyanoacrylate), poly(hexyl-2-cyanoacrylate), collagen (gelatin), polyacetals, divinyloxyalkylenes, polydihydropyrans, polyphosphazenes, homopolymers and copolymers of amino acids, polydioxinones, polyalkylcyano acetates, polysaccharides and their derivatives, and cellulose and hydroxymethyl cellulose.

111. (previously presented) The device of claim 108 wherein the biodegradable polymer comprises one or more of terephthalic acid anhydride, bis(p-anhydride), poly(p-carboxyphenoxy) alkyl, sebacic acid, adipic acid, oxalic acid, phthalic acid, maleic acid, polydodecanedioic acid polyorthoesters, copolymers of leucine and methyl glutamate, dextran, or cyclodextran.

112. (currently amended) The device of claim 82 or 103 wherein at least a portion of the device comprises a material that is permeable or semi-permeable to the therapeutic ~~drug~~ substance.

113. (currently amended) The device of claim 112, wherein the portion of the device that comprises a permeable or semi-permeable material represents a percentage of the overall body member material, and wherein the percentage of body member material composed of

permeable or semi-permeable material controls rate of delivery of the therapeutic ~~drug~~ substance.

114. (currently amended) The device of claim 82 or 103 wherein the cap member has a diameter that is greater than the diameter of the body member.